

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 580

Introduced by Schimek, 27; Janssen, 15

Read first time January 19, 1999

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to municipal government; to amend section
- 2 18-2528, Reissue Revised Statutes of Nebraska; to exclude
- 3 certain personnel measures from being subject to
- 4 referendum powers; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-2528, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2528. (1) The following measures shall not be subject
4 to referendum or limited referendum:

5 (a) Measures necessary to carry out contractual
6 obligations, including, but not limited to, those relating to the
7 issuance of or provided for in bonds, notes, warrants, or other
8 evidences of indebtedness, for projects previously approved by a
9 measure which was, or is, subject to referendum or limited
10 referendum or previously approved by a measure adopted prior to
11 July 17, 1982;

12 (b) Measures relating to any industrial development
13 projects, subsequent to measures giving initial approval to such
14 projects;

15 (c) Measures adopting proposed budget statements
16 following compliance with procedures set forth in the Nebraska
17 Budget Act;

18 (d) Measures relating to the immediate preservation of
19 the public peace, health, or safety which have been designated as
20 urgent measures by unanimous vote of those present and voting of
21 the municipal subdivision's governing body and approved by its
22 executive officer;

23 (e) Measures relating to projects for which notice has
24 been given as provided for in subsection (4) of this section and
25 for which a sufficient referendum petition was not filed within the
26 time limit stated in such notice or which received voter approval
27 after the filing of such petition;

28 (f) Resolutions directing the city clerk to cause

1 measures to be submitted to a vote of the people at a special
2 election as provided in sections 18-2524 and 18-2529;

3 (g) Resolutions ordering an earlier effective date for
4 measures enacted by initiative as provided in section 18-2526; ~~and~~

5 (h) Measures relating to any facility or system adopted
6 or enacted pursuant to the Integrated Solid Waste Management Act by
7 municipalities and which are necessary to carry out contractual
8 obligations provided for in previously issued bonds, notes,
9 warrants, or other evidence of indebtedness; and

10 (i) Measures relating to personnel issues, including, but
11 not limited to, establishment, modification, or elimination of any
12 personnel position, policy, salary, or benefit and any hiring,
13 promotion, demotion, or termination of personnel.

14 (2) The following measures shall be subject to limited
15 referendum:

16 (a) Measures in furtherance of a policy of the municipal
17 subdivision or relating to projects previously approved by a
18 measure which was subject to referendum or which was enacted by
19 initiative or has been approved by the voters at an election,
20 except that such measures shall not be subject to referendum or
21 limited referendum for a period of one year after any such policy
22 or project was approved at a referendum election, enacted by
23 initiative, or approved by the voters at an election;

24 (b) Measures relating to the acquisition, construction,
25 installation, improvement, or enlargement, including the financing
26 or refinancing of the costs, of public ways, public property,
27 utility systems, and other capital projects and measures giving
28 initial approval for industrial development projects;

1 (c) Measures setting utility system rates and charges,
2 except for measures necessary to carry out contractual obligations
3 provided for in previously issued bonds, notes, warrants, or other
4 evidences of indebtedness, and pay rates and salaries for municipal
5 subdivision employees other than the members of the governing body
6 and the executive officer; and

7 (d) Measures relating to any facility or system adopted
8 or enacted pursuant to the Integrated Solid Waste Management Act by
9 municipalities except for measures necessary to carry out
10 contractual obligations provided for in previously issued bonds,
11 notes, warrants, or other evidence of indebtedness.

12 (3) Measures subject to limited referendum shall
13 ordinarily take effect thirty days after their passage by the
14 governing body, including an override of any veto, if necessary.
15 Referendum petitions directed at measures subject to limited
16 referendum shall be filed for signature verification pursuant to
17 section 18-2518 within thirty days after such measure's passage by
18 the governing body, including an override of any veto, if
19 necessary, or after notice is first published pursuant to
20 subdivision (4)(c) of this section. If the necessary number of
21 signatures as provided in section 18-2529 or 18-2530 has been
22 obtained within the time limitation, the effectiveness of the
23 measure shall be suspended unless approved by the voters.

24 (4) For any measure relating to the acquisition,
25 construction, installation, improvement, or enlargement of public
26 ways, public property, utility systems, or other capital projects
27 or any measure relating to any facility or system adopted or
28 enacted pursuant to the Integrated Solid Waste Management Act, a

1 municipality may exempt all subsequent measures relating to the
2 same project from the referendum and limited referendum procedures
3 provided for in sections 18-2501 to 18-2537 by the following
4 procedure:

5 (a) By holding a public hearing on the project, the time
6 and place of such hearing being published at least once not less
7 than five days prior to the date set for hearing in a newspaper of
8 general circulation within the governing body's jurisdiction;

9 (b) By passage of a measure approving the project,
10 including an override of a veto if necessary, at a meeting held on
11 any date subsequent to the date of hearing; and

12 (c) After passage of such measure, including an override
13 of a veto if necessary, by giving notice as follows: (i) For those
14 projects for which applicable statutes require an ordinance or
15 resolution of necessity, creating a district or otherwise
16 establishing the project, notice shall be given for such project by
17 including either as part of such ordinance or resolution or as part
18 of any publicized notice concerning such ordinance or resolution a
19 statement that the project as described in the ordinance or
20 resolution is subject to limited referendum for a period of thirty
21 days after the first publication of such notice and that, after
22 such thirty-day period, the project and measures related to it will
23 not be subject to any further right of referendum; and (ii) for
24 projects for which applicable statutes do not require an ordinance
25 or resolution of necessity, notice shall be given by publication of
26 a notice concerning such projects stating in general terms the
27 nature of the project and the engineer's estimate of costs of such
28 project and stating that the project described in the notice is

1 subject to limited referendum for a period of thirty days after the
2 first publication of such notice and that, after such thirty-day
3 period, the project and measures related to it will not be subject
4 to any further right of referendum. The notice required by
5 subdivision (c)(ii) of this subsection shall be published in at
6 least one newspaper of general circulation within the municipal
7 subdivision and shall be published not later than fifteen days
8 after passage by the governing body, including an override of a
9 veto, if necessary, of a measure approving the project.

10 The right of a municipal subdivision to hold such a
11 hearing prior to passage of the measure by the governing body and
12 give such notice after passage of such measure by the governing
13 body to obtain exemption for any particular project in a manner
14 described in this subsection is optional, and no municipal
15 subdivision shall be required to hold such a hearing or give such
16 notice for any particular project.

17 (5) All measures, except as provided in subsections (1),
18 (2), and (4) of this section, shall be subject to the referendum
19 procedure at any time after such measure has been passed by the
20 governing body, including an override of a veto, if necessary, or
21 enacted by the voters by initiative.

22 Sec. 2. Original section 18-2528, Reissue Revised
23 Statutes of Nebraska, is repealed.